

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 280802001300
INTERNATIONAL APPLICATION NO. PCT/CA2003/000603	INTERNATIONAL FILING DATE 23 April 2003	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/554,310
TITLE OF INVENTION HAIR GROWTH		PRIORITY DATE CLAIMED 23 April 2003
APPLICANT(S) FOR DO/EO/US Jean-Marie HOULE et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (3 pages)		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/554,310		INTERNATIONAL APPLICATION NO. PCT/CA2003/000603		ATTORNEY'S DOCKET NUMBER 280802001300	
20. <input checked="" type="checkbox"/> Other items or information: PTO/SB/08a/b Form (2 pages plus duplicate) References (34) Return Receipt Postcard					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$	
TOTAL OF 21, 22 and 23 =				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x		
Independent claims	- 3 =		x		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				0.00	
SUBTOTAL =				\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 0.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ 0.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. ~~A duplicate copy of this sheet is enclosed.~~
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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CUSTOMER NUMBER: 25225

Kate H. Murashige
SIGNATURE

Kate H. Murashige
NAME

29,959
REGISTRATION NUMBER

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
10/554,310

INTERNATIONAL APPLICATION NO.
PCT/CA2003/000603

ATTORNEY'S DOCKET NUMBER
280802001300

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 19, 2006Signature: Lenay Rogus (Lenay Rogus)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 19, 2006 Signature: Lenay Rogus
(Lenay Rogus)

Patent
Docket No. 280802001300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jean-Marie HOULE et al.

Serial No.: 10/554,310

Filing Date (Int'l): April 23, 2003

For: HAIR GROWTH

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The document numbers 15 and 23 listed on the attached Form PTO/SB/08a/b were cited in an International Search Report mailed on September 1, 2003, directed to a counterpart international or foreign application and have not been previously cited.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;
or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 280802001300.

Dated: January 18, 2006

Respectfully submitted,

By Kate H. Murashige
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/554,310
				Filing Date	(Int'l) April 23, 2003
				First Named Inventor	Jean-Marie HOULE
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	280802001300

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,753,958	06-28-1988	Weinstein et al.	
	2.	US-5,171,749	12-15-1992	Levy et al.	
	3.	US-5,283,255	02/1994	Levy et al.	
	4.	US-5,669,916	09-23-1997	Anderson	
	5.	US-5,824,643	10/1998	Pierce et al.	
	6.	US-5,871,480	02-16-1999	Tankovich	
	7.	US-5,989,267	11/1999	Anderson	
	8.	US-6,294,192	09/2001	Patel et al.	
	9.	US-2003/0170822	09/2003	Itoh	
	10.	US-2003/0199403	10/2003	Wells et al.	
	11.	US-6,629,971	10/2003	McDaniel	
	12.	US-2004/0033493	02/2004	Tchernev et al.	
	13.	US-6,849,584	02/2005	Geary et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	14.	EP-0 350 036	01/1990			
	15.	EP-1 138 349	10-04-2001	Photo Therapeutics		
	16.	EP-1 147 785	10/2001			
	17.	FR-2,693,906	01/1994			
	18.	WO-88/05653	08/1988			
	19.	WO-95/07077	03/1995			
	20.	WO-97/32046	09-14-1997	New York Blood Center		
	21.	WO-98/50387	11/1998			
	22.	WO-99/59556	11/1999			
	23.	WO-00/32121	06-08-2000	McDaniel		
	24.	WO-00/59475-A1	10/2000			
	25.	WO-00/64476	11/2000			
	26.	WO-01/08660	02/2001			
	27.	WO-01/85212	11/2001			
	28.	WO-01/85213	11/2001			

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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sd- 287152

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/554,310
				Filing Date	(Int'l) April 23, 2003
				First Named Inventor	Jean-Marie HOULE
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	280802001300

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	29.	BISSONNETTE et al., Dermatologic Clinics (1997) 15(3):507-519	
	30.	DELMARRE et al., Canadian Journal of Chemistry (2001) 79(5-6):1068-1074	
	31.	DE VILLEZ et al., Journal of the American Academy of Dermatology (1987) 16(3):669-672	
	32.	FIEDLER and ALAITI, Dermatologic Clinics (1996) 14(4):733-738	
	33.	International Search Report for PCT/CA03/00603, mailed on September 1, 2003, 3 pages	
	34.	LEBWOHL, Lancet (1997) 349:222-223	
	35.	LUI et al., Dermatologic Clinics (1993) 11(1):1-13	
	36.	MCCULLOUGH et al., Journal of Investigative Dermatology (1983) 81(6):528-532	
	37.	MCELWEE et al., Pathobiology (1998) 66(2):90-107	
	38.	MONFRCOLA et al., Photodermatology (1987) 4:305-306	
	39.	POTAPENKO and KYAGOVA, Membr. Cell Biol. (1998) 12(2):269-278	
	40.	SACCHINI et al., Tumori (1987) 73(1):19-23	
	41.	SAWAYA, Seminars in Cutaneous Medicine and Surgery (1998) 17(4):276-283	
	42.	SHAPIRO, Dermatological Clinics (1993) 11(1):35-46	
	43.	SIMKIN et al., Immunopharmacology (1997) 37:221-230	
	44.	STEINER et al., Human Reproduction (1995) 19(1):227-233	
	45.	SUNDBERG et al., Journal of Investigative Dermatology (1994) 102(6):847-856	
	46.	TRITRUNGASNA et al., Int. J. Dermatol. (1993) 32(9):690	
	47.	YAROSH, Photodermatology Photoimmunology & Photomedicine (2001) 17(5):203-212	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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sd- 287152